

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID BRADEN,

Petitioner,

v.

MARGARET BAGLEY, Warden,

**Case No. 2:04-cv-842
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Terence Kemp**

Respondent.

ORDER STRIKING JULY 12, 2012 LETTER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. § 2254. This matter is before the Court upon a statement of counsel regarding Petitioner Braden's July 12, 2012 letter to this Court, as well as another letter written by Braden postmarked July 31, 2012.

In his July 12, 2012 letter, Braden asked to withdraw his habeas corpus petition, abandon his legal challenge to the state court judgment against him, and allow the State of Ohio to execute him. In order to address the contents of that letter with counsel for Petitioner and Respondent, the Court scheduled a status conference for Monday, July 30, 2012, at 10:00 a.m. On July 26, 2012, this Court received a statement from Petitioner Braden's counsel indicating that, following their visit to Petitioner on July 24, 2012, Petitioner wished them to advise the Court that he does not wish to abandon his habeas corpus claims, that his letter was the result of his frustration about the treatment that he is receiving on death row, and that he apologizes to the Court for having sent his original letter. As a result of counsel's statement, the Court canceled the conference scheduled for Monday, July 30, 2012, at 10:00 a.m.

In addition to representations made by counsel in their July 26, 2012 statement, the Court is now in possession of a letter handwritten and signed by Braden stating that he no longer wishes to withdraw his appeals. The Court now makes that letter a part of the record in these proceedings. The Court accepts Braden's most recent letter, postmarked July 31, 2012, recognizes that Braden wishes to withdraw his previous letter suggesting he wished to abandon

his habeas corpus claims, and will strike his letter of July 12, 2012. (The Court will not remove the July 12, 2012 letter from the docket, however, in the interests of maintaining an accurate record.)

For the foregoing reasons, the Court **DIRECTS** the Clerk to file the attached letter, postmarked July 31, 2012. The Court further recognizes that Braden no longer wishes to abandon his habeas corpus claims and **HEREBY STRIKES** Braden's July 12, 2012 letter. The Court **DIRECTS** the Clerk to maintain the July 12, 2012 letter on the docket so as to maintain an accurate record.

IT IS SO ORDERED.


EDMUND A. SARGUS, JR.
United States District Judge

Date: 8-6-2012

TO; The Honorable Judge Edward Rogers
I spoke with my attorneys Steve Brown
and Kathryn Sandford concerning my
conditions and the state of mind it or
they allow me to and they have
addressed my problems and they are
systematically going away and I am
feeling much better now thanks to
your and theirs concern for me and
I will be eternally grateful for
your merciful charity and kindness
however I am still experiencing some
opposition to the betterment of my
conditions, but I am sure this will
go away because you are the power's
that be and I realize Rome was not
built in a day and if things continue
and stay on this track then I no
longer wish to withdraw my appeals
of the death penalty that has been
imposed upon me. Thank you for
your consideration of this matter and if
there is anything else I can do for you
please let me know.

Respectfully and Gratefully David Broalen



David Braden
#380-366
Chillicothe Correctional Institution
P. O. Box 5500
Chillicothe, OH 45601

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To the Attn - of Kathryn Donford [Signature]

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